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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,045	05/01/2001	Philip Ted Kortum	8285/431	5221
757	7590	07/06/2007	EXAMINER	
BRINKS HOFER GILSON & LIONE			BORISSOV, IGOR N	
P.O. BOX 10395			ART UNIT	PAPER NUMBER
CHICAGO, IL 60610			3628	
			MAIL DATE	DELIVERY MODE
			07/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/847,045	KORTUM, PHILIP TED
	<b>Examiner</b>	<b>Art Unit</b>
	Igor N. Borissov	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-8,10-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-8,10-16 and 18-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

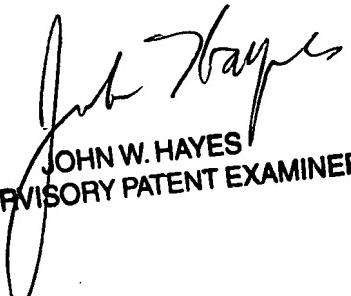
**DETAILED ACTION**

In view of the Appeal Brief filed on 01/19/2007 PROSECUTION IS  
HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of  
the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a  
reply under 37 CFR 1.113 (if this Office action is final); or,  
  
(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31  
followed by an appeal brief under 37 CFR 41.37. The previously paid notice of  
appeal fee and appeal brief fee can be applied to the new appeal. If, however,  
the appeal fees set forth in 37 CFR 41.20 have been increased since they were  
previously paid, then appellant must pay the difference between the increased  
fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening  
prosecution by signing below:



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-8, 10-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the “SBC global network DSL: Customer Self Install” (Document) in view of Using Your Gateway PC guide (Hereinafter Guide).**

The Document, which appears to be published on August, 2000, teaches a system for customer self installation DSL kit, comprising:

***Independent Claims***

As per **claim 1**,

a digital subscriber line modem (page 4; last §);  
at least one digital subscriber line filter (page 1; 3<sup>rd</sup> §);  
a computer-readable medium containing a computer-readable software code (page 9; 2<sup>nd</sup> §).

Furthermore, Document teaches that a consumer orders said kit for his/her computer Operating System (OS); thereby indicating that the arriving kit already requires no selection of OS (page 5; 3<sup>rd</sup> §; a Table).

However, Document does not specifically teach that said instruction manual (Owner's Guide) is included in the kit.

Guide, which appears to be published on 11-1997 (See page 2), teaches guiding instructions how to assemble various components of a computer system using various connectors, including Phone connector, Line In connector, video connector, power connector, serial port connector, Joystick/MIDI connector, USB

connector, etc., wherein said computer system is purchased by a user and delivered to the user in a container box (indicates "kit" feature) containing said guide, the system unit and accessory box (page 15-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Document to include that said instruction manual is included in the kit, said manual providing instructions to install all elements of the kit, as disclosed in Guide, because it would advantageously allow to provide the customer with necessary diagram and descriptions of the successive installation steps, thereby simplify the installation process for the customer.

As per **claim 8**, Document teaches said system, comprising:

- a network card (page 4; last §);
- a digital subscriber line modem (page 4; last §);
- at least one digital subscriber line filter (page 1; 3<sup>rd</sup> §);
- a computer-readable medium containing a computer-readable connection software code (page 9; 2<sup>nd</sup> §).

Furthermore, Document teaches that said kit is available for following OS: DOS, Windows and Macintosh, thereby indicating that a subscriber is required to indicate/select his/her computer OS (page 5; 3<sup>rd</sup> §; a Table).

However, Document does not specifically teach that said instruction manual (Owner's Guide) is included in the kit.

Guide, which appears to be published on 11-1997 (See page 2), teaches guiding instructions how to assemble various components of a computer system using various connectors, including Phone connector, Line In connector, video connector, power connector, serial port connector, Joystick/MIDI connector, USB connector, etc., wherein said computer system is purchased by a user and delivered to the user in a container box (indicates "kit" feature) containing said guide, the system unit and accessory box (page 15-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Document to include that said instruction manual is included in the kit, said manual providing instructions to install all elements of the kit, as disclosed in Guide, because it would advantageously allow to provide the customer with necessary diagram and descriptions of the successive installation steps, thereby simplify the installation process for the customer.

As per **claim 16**, Document teaches said system, comprising:

- a network card (page 4; last §);
- a digital subscriber line modem (page 4; last §);
- at least one digital subscriber line filter (page 1; 3<sup>rd</sup> §);
- a computer-readable medium containing a computer-readable connection software code (page 9; 2<sup>nd</sup> §).

Furthermore, Document teaches a consumer computer manufacturer's Owner's Guide and computer's Operating System on installation media (CD or diskettes) (page 9; 2<sup>nd</sup> §); and instruction regarding internet service provider software (page 3, 2<sup>nd</sup> and 3<sup>rd</sup> §§).

Furthermore, Document teaches that said kit is available for following OS: DOS, Windows and Macintosh, thereby indicating that a subscriber is required to indicate/select his/her computer OS (page 5; 3<sup>rd</sup> §; a Table).

However, Document does not specifically teach that said instruction manual (Owner's Guide) is included in the kit.

Guide, which appears to be published on 11-1997 (See page 2), teaches guiding instructions how to assemble various components of a computer system using various connectors, including Phone connector, Line In connector, video connector, power connector, serial port connector, Joystick/MIDI connector, USB connector, etc., wherein said computer system is purchased by a user and delivered to the user in a container box (indicates "kit" feature) containing said guide, the system unit and accessory box (page 15-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Document to include that said instruction manual is included in the kit, said manual providing instructions to install all elements of the kit, as disclosed in Guide, because it would advantageously allow to provide the customer with necessary diagram and descriptions of the successive installation steps, thereby simplify the installation process for the customer.

**Dependent Claims**

As per **claims 3-4, 10-11 and 18-19**, Guide teaches the container box, which contains the system unit and accessory box (page 15). The motivation to combine the references would be to advantageously protect the contents of the kit from being damaged or lost during shipment.

As per **claims 5 and 13**, said kit, wherein the instruction manual provides a point of contact telephone number associated with said kid; said kid including the digital subscriber line modem (page 3, 6<sup>th</sup> §; page 5, 6<sup>th</sup> §; page 4; last §).

As per **claims 6 and 14**, said kit, wherein the instruction manual provides a point of contact telephone number associated with said kid; said kid including the digital line filter (page 3, 6<sup>th</sup> §; page 5, 6<sup>th</sup> §; page 1, 3<sup>rd</sup> §).

As per **claims 7, 15 and 20**, said kit, wherein the instruction manual provides a point of contact telephone number associated with said kid; said kid including the description of computer-readable connection software code (page 9; 2<sup>nd</sup> §).

***Response to Arguments.***

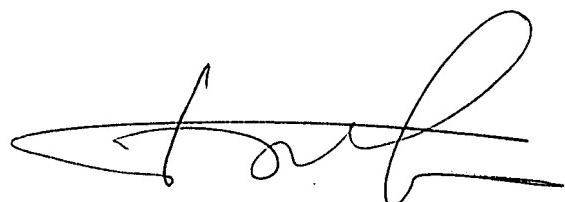
Applicant's arguments with respect to claims 1, 3-8, 10-16 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB  
06/19/2007



IGOR N. BORISOV  
PRIMARY EXAMINER